



ENTERED
11/24/2009

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
POSITIVE HEALTH MANAGEMENT, INC.	§	Case No. 08-31630-H4-7
	§	
Debtor.	§	
	§	
RANDY WILLIAMS, CHAPTER 7 TRUSTEE OF POSITIVE HEALTH MANAGEMENT, INC.	§	
	§	Adv. Proceeding. No. 09-03282
Plaintiff,	§	
	§	
v.	§	
	§	
PRIORITY 1 HEALTHCARE, LLC, PRIORITY HEALTHCARE LLC, KIMBERLY F. ZIEGLER, CORRECT CARE CLINIC, LLC	§	
	§	
Defendants.	§	

**ORDER DISMISSING (1) PLAINTIFF'S MOTION FOR CONTEMPT; AND (2)
PLAINTIFF'S APPLICATION FOR PRELIMINARY INJUNCTION**
[Adv. Docket Nos. 2 & 17.]

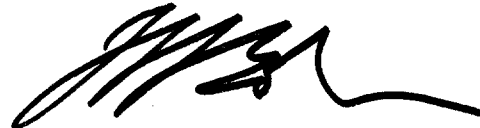
On November 24, 2009, at 10:30 a.m., a hearing was scheduled to be held on the Plaintiff's Motion for Contempt and the Plaintiff's Application for Preliminary Injunction. Yvette M. Mastin appeared for Kirk A. Kennedy, who is counsel of record in this Adversary Proceeding for the Plaintiff. No attorney appeared for the Defendants. Ms. Mastin informed the Court that the parties themselves had agreed to a continuance and submitted a proposed agreed order for this Court to sign. This Court does not allow parties themselves to agree to a continuance. Rather, the parties must timely file a motion for continuance and set forth the reasons that the parties want a continuance.

The Court takes this approach so as to be able to control its own docket and so as to ensure that finality is achieved in disputes before this Court. Here, no motion for continuance was filed, and counsel of record apparently—and incorrectly—assumed that this Court would grant a continuance. This, the Court will not do. Because the Court will not grant a continuance, and because Ms. Mastin was not prepared to prosecute the Plaintiff's Motion and Application, the Court finds that the Motion and the Application should be dismissed for lack of prosecution. Accordingly, it is:

ORDERED that the Plaintiff's Motion for Contempt is dismissed for lack of prosecution; and it is further

ORDERED that the Plaintiff's Application for Preliminary Injunction is dismissed for lack of prosecution.

Signed on this 24th day of November, 2009.

A handwritten signature in black ink, appearing to read 'J. Bohm', with a long horizontal flourish extending to the right.

Jeff Bohm
United States Bankruptcy Judge